

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CREE INC.** : **CIVIL ACTION**  
v. :  
**SEMLEDS CORPORATION, et al.** : **NO. 1:10-866**

**ORDER**

On August 16, 2011, Defendant protested 14 third party subpoenas issued by Plaintiff and requested a protective order precluding enforcement of those subpoenas. Defendant also asserted that “some reasonable continuation of discovery may be warranted to complete discovery that was timely noticed but not completed due to the schedules of witnesses and counsel.” (*Doc. No. 124.*) On August 18, 2011, Plaintiff responded. (*Doc. No. 125.*)

It appears that the Parties have, without my knowledge or approval, negotiated an extension of third party discovery deadlines. (*Doc. No. 125, Exhibit 4.*) It further appears that Defendant, having taken advantage of that extension, now seeks to preclude Plaintiff from doing so.

Although I do not condone the Parties' *de facto* amendment of my Case Management Order, it would be unfair to allow Defendant to extend third party discovery without affording Plaintiff a similar opportunity.

AND NOW, this 19th day of August, it is hereby ORDERED that all third party discovery shall be completed no later than **August 26, 2011**. If the third parties do not promptly comply with outstanding discovery requests, this should be brought to my attention immediately.

**IT IS SO ORDERED.**

Paul S. Diamond  
Paul S. Diamond, J.